THE HON'BLE SRI JUSTICE B. PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 15983 OF 2005

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

In the present writ petition, the petitioner seeks to assail the orders, in O.A.No. 6414 of 2004 dated 25.11.2004, whereunder the Tribunal, upon taking note of the fact that regular promotions to the cadre of Executive Engineers had not been effected and that administrative necessities warranted incharge arrangements to be made, held that while making such arrangements, it is always preferable to keep seniority in mind, so that there would not be any heart-burning amongst the seniors. The Tribunal directed the respondents in the O.A. to take into consideration the seniority zone-wise, while making incharge arrangements and to consider the case of the applicants for incharge arrangements in the light of the observations made in the order.

It is well settled that "incharge arrangements" do not confer any enforceable right for promotion and such arrangements made in administrative exigencies, do not violate any statutory rights of the respondent-applicants herein. No statutory rule which requires zone-wise seniority to be taken into consideration, while making "incharge" arrangements, has been brought to our notice. In the absence of any statutory requirement, the direction of the Tribunal, in the impugned O.A., in effect, amounts to making of rules. It is not open to Tribunals, constituted under the Administrative Tribunals Act, to either legislate or make rules in this regard. The order of the Tribunal in O.A.No. 6414 of 2004 is set aside. The

writ petition is accordingly allowed. However, in the circumstances, without costs.

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B.PRAKASH RAO,J

Date: 20-06-2006

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RAMESH RANGANATHAN,J

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